

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEBRASKA**

**TAMMY SCOLLARD, Executor of the  
Estate of Patrick Scollard, and  
WAUSAU INSURANCE COMPANY,**

**Plaintiffs,**

**VS.**

**ROCKY MOUNTAIN HOLDINGS CO.,  
AIR METHODS CORPORATION,  
AMERICAN EUROCOPTER CORP.,  
EUROCOPTER SAS,  
DUNLOP LIMITED, and  
SOCIETE D'APPLICATIONS DES  
MACHINES MOTRICES, a.k.a. SAMM,**

**Defendant.**

**4:06CV3196**

## ORDER

This matter is before the court on the motions for leave to withdraw of Thomas M. Locher as counsel for the third-party defendant Estate of Phillip Herring (Filing No. 38) and for the third-party defendant Rocky Mountain Holdings Co. (Filing No. 37). The court notes other counsel represents the third-party defendant Rocky Mountain Holdings Co. **See** Filing No. 36. The court finds moving counsel has shown good cause for withdrawal as counsel for Rocky Mountain Holdings Co. as required under NEGenR 1.3(f).

Mr. Locher states other counsel has entered an appearance for Pamela Manske, the special administrator for the estate of Phillip Herring, in a related case. **See** *Manske, et al. v. Rocky Mountain Holdings Co.*, et al. 4:06CV3198. However, the counsel who have appeared for Pamela Manske have done so only on her behalf as the plaintiff, not as the third-party defendant. Additionally, the certificate of service for the motion does not show the motion was served on Mr. Locher's client. The third-party defendant Estate of Phillip Herring shall have an opportunity to respond to Mr. Locher's motion or to have substitute counsel enter an appearance.

Further, it has come to the court's attention a party's name is misspelled in the docket text and in some of the pleadings. Upon representation from the party's counsel

and based on the relevant pleadings, the court and all parties shall use the correct spelling of Phillip Herring. Upon consideration,

**IT IS ORDERED:**

1. Thomas M. Locher's motion to withdraw as counsel for third-party defendant Rocky Mountain Holdings Co. (Filing No. 37) is granted.

2. Thomas M. Locher's motion to withdraw as counsel for third-party defendant Estate of Phillip Herring (Filing No. 38) is held in abeyance. The third-party defendant Estate of Phillip Herring shall have to **on or before October 16, 2006**, to respond to the motion to withdraw by filing a brief with the Clerk of Court. If no response is received or if substitute counsel has entered an appearance by that date, the motion to withdraw will be granted.

3. Thomas M. Locher shall serve a copy of his motion and this order on the third-party defendant Estate of Phillip Herring and file a certificate of such service with the court.

4. The Clerk of Court shall amend the docket to reflect the correct spelling of the party is Phillip Herring. Hereafter, the parties shall refer to such party accordingly.

DATED this 26th day of September, 2006.

BY THE COURT:

s/Thomas D. Thalken  
United States Magistrate Judge